

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 94, "Nonresident Deer Hunting," Iowa Administrative Code.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. The amendment to subrule 94.7(5) makes the regulation on shooting from a roadway for residents and nonresidents consistent. The amendments to subrules 94.8(3) and 94.8(4) provide that a person who was unsuccessful in the drawing for an any-deer license and then purchases an any-sex deer license will receive a refund for the cost of the preference point.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 7, 2010, as **ARC 8683B**. A public hearing was held on April 27, 2010. The only comments received were from staff and the Administrative Rules Committee. Changes have been made to clarify the wording used in subrule 94.7(5) and to make the hunting regulations for shooting from the roadway the same for both resident and nonresident deer hunters.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.8 and 483A.24.

These amendments shall become effective August 18, 2010.

The following amendments are adopted.

ITEM 1. Amend subrule 94.7(5) as follows:

94.7(5) *Discharge of firearms from highway.* No person shall discharge a shotgun shooting slugs or ~~muzzleloader~~ a rifle, including a muzzleloading rifle or musket, or a handgun from a highway during the regular gun seasons in all counties and parts of counties north of Highway 30 and west of Highway 63. A "highway" means the way between property lines open to the public for vehicle traffic, including the road ditch, as defined in Iowa Code section 321.1(78).

ITEM 2. Amend subrules 94.8(3) and 94.8(4) as follows:

94.8(3) *Preference points.* Each individual applicant who is unsuccessful in the drawing for an any-deer license will be assigned one preference point for each year that the individual is unsuccessful. If a person who was unsuccessful in the drawing purchases a leftover license within four weeks, the person will receive a refund for the cost of the preference point. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Preference points will apply only to obtaining any-deer licenses. Once an applicant receives an any-deer nonresident deer hunting license, all preference points will be removed until the applicant is again unsuccessful in a drawing or purchases a preference point as described in subrule 94.8(4). Preference points will apply to any zone or season for which a hunter applies. The first drawing for any-deer licenses each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the any-deer license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

94.8(4) *Purchasing preference points.* A nonresident who does not want to hunt in the current year may purchase one preference point per calendar year. The preference point will apply to the next year's drawing for any-deer licenses. The preference point will be treated in the same manner as preference points obtained by hunters who are unsuccessful in the any-deer license drawing. A nonresident may not purchase a preference point and apply for an any-deer license in the same calendar year. Preference points may be purchased only during the application period for any-deer licenses. ~~Preference points will~~

cost \$10 to offset administrative costs in addition to the usual writing fee, convenience fee and other fees charged by the ELSI system.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/30/10.